



U.S. Department of Justice
United States Attorney
District of New Jersey

Kathleen P. O'Leary
Assistant United States Attorney

970 Broad Street, Suite 700
Newark, New Jersey 07102

Direct Dial: (973) 645-2841
Facsimile: (973) 645-4546

August 15, 2017

Federal Express

Mr. Michael Powell, Esq.
Tarragon Bldg.
801 Church Road
Cherry Hill, NJ 08002
856-488-0004

Re: United States v. Justin Love, et al.
Crim. No. 3:17-cr-51 (D.N.J.)

Dear Mr. Powell:

This letter provides discovery pursuant to Rule 16(a) of the Federal Rules of Criminal Procedure and the Court's Scheduling and Discovery Order, entered on July 19, 2017 in the above-referenced case, and seeks reciprocal discovery. All materials are being provided in electronic format. Please do not hesitate to contact me should questions or issues arise in accessing the materials.

Disclosure by the Government

I am enclosing a thumb drive containing discovery materials as identified on the enclosed index. I am also enclosing a disc containing recorded calls placed from the Essex County Correctional Facility, the index to which is produced in the main set of discovery materials. We will supplement this production to the extent any other discoverable material comes within our possession, custody, or control.

By electronic mail dated July 25, 2017, the government also offered to furnish you with mirror image copies of all electronic devices seized from Mr. Love that contained recoverable content, if you provided us with electronic storage media with a capacity of at least 100GB. We informed you that we

would need two weeks following receipt of such media to provide these electronic files to you. To date, we have not received any electronic storage media from you. We are still willing to provide these materials as a supplement to this production, if you deliver electronic storage media of a sufficient capacity to us.

In addition, please be advised that the following items were recovered from your client on June 1, 2016 in connection with this investigation. Images/scans of some of these items are included on the enclosed disc and index. If you wish to inspect any of them, please call me, and I will make arrangements to allow you to inspect them at a mutually agreeable time.

1. Dog shock collar
2. Break sticks
3. Veterinary medications including Vetropolycin, Albon, Ivermectin, sterile injectable gel, parvovirus vaccine, distemper vaccine
4. Syringes and needles
5. Chains and ropes
6. Animal hides
7. Dog crates
8. Dog crate panels
9. Dog leashes and collars
10. Stakes
11. Chain collar with padlock
12. Chain with padlock
13. Dog fighting publications
14. Probation order
15. Veterinary records
16. Oxycodone bottle prescribed to Pablo Bryant
17. Photograph prints

18. Dog pedigree and registry documents
19. Website printouts
20. Metal weights
21. Chain clips
22. Flirt pole
23. Spring pole
24. Rope with hook
25. Wooden platform with chain anchor
26. Two credit cards
27. Photograph of persons in police gear
28. Notebook
29. Glock .40 cal. handgun bearing serial number FSE791
30. .40 cal. magazine, loaded
31. Three .40 cal. magazines
32. .762 magazine, loaded
33. .40 cal. ammunition
34. Handgun holsters
35. Flare gun
36. Taser
37. Cotton swabs
38. Tupperware containers
39. Carpet pieces
40. Dog food

41. Nursing bottle
42. Samsung G-900R cellular telephone
43. Samsung Galaxy S5 cellular telephone
44. I-Phone 5C cellular telephone
45. Vivitar model F124 digital camera
46. LG flip-style cellular telephone
47. T-Mobile Prism cellular telephone
48. HP/Compaq model NC6120 laptop computer
49. Dell Inspiron model B2130 laptop computer
50. HP/Compaq laptop
51. E-Machines CPU desktop computer
52. Gateway desktop computer
53. Systemax SYX desktop computer
54. Kodiak Easyshare camera
55. Kyocera cellular telephones (two)

Additionally, the government is making available for your inspection, but is not enclosing here, nineteen dog fighting videos seized from the residence of co-defendant Robert Arellano, as well as a video filmed by agents during the execution of a search warrant at Mr. Arellano's residence. If you would like to view those materials, please let me know.

In addition to the foregoing materials, I make the following expert disclosures:

1. At trial, the Government intends to present expert testimony regarding dog fighting, including: devices and terminology used in dog fighting; publications, documents, and internet websites used by persons engaged in dog fighting; and the maintenance, housing, and training of dogs intended for use in an animal fighting venture.

2. The Government will also present expert testimony from a veterinarian that scar, wound, and injury patterns on dogs seized during this investigation were consistent with use of the animals in dog fighting.
3. The Government will also present expert testimony regarding the downloading, copying, search, and forensic analysis of electronic devices seized in this investigation.
4. The Government will also present expert testimony regarding handwriting comparison.
5. The Government will also present expert testimony from a forensic geneticist regarding the composition and species identification of blood samples taken as part of this investigation.
6. The Government will disclose the identity of the expert witnesses, along with a summary of the witnesses' testimony and the witnesses' curriculum vitae in advance of trial.

The Government recognizes its obligations under Brady v. Maryland, 373 U.S. 83 (1963), and its progeny. The Government will provide timely disclosure of any such material. The Government will provide potential impeachment material, if any, at the time it provides prior statements of witnesses pursuant to Title 18, United States Code, Section 3500.

Disclosure by the Defendant

The Government hereby requests reciprocal discovery under Fed. R. Crim. P. 16(b) and in accordance with the Court's Scheduling and Discovery Order dated July 19, 2017, by August 31, 2017. Specifically, we request that you allow inspection and copying of: (1) any books, papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions of any of these items that are in the defendant's possession, custody, or control and which the defendant intends to use in the defendant's case-in-chief at trial; and (2) any results or reports of any physical or mental examination and of any scientific test or experiment that is in the defendant's possession or control and which the defendant intends to use in the defendant's case-in-chief at trial or which was prepared by a witness whom the defendant intends to call at trial. We further request that you disclose a written summary of testimony you intend to use under Fed. R. Evid. 702, 703, and 705 as evidence at trial. This summary should describe the opinions of the witness, the bases and reasons therefor, and the witness's qualifications.

Pursuant to Fed. R. Crim. P. 26.2, the Government also requests that the defendant disclose prior statements of witnesses the defendant will call to

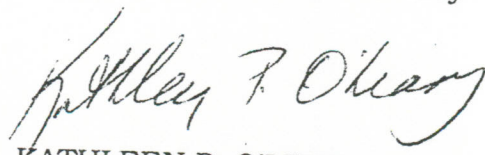
testify. We request that such material be provided on the same basis upon which we agree to supply the defendant with Section 3500 material relating to Government witnesses.

Pursuant to the Federal Rules of Criminal Procedure and the Scheduling Order, we remind you that the defendant shall provide any and all notices required by Federal Rules of Criminal Procedure 12.1, 12.2, and 12.3 on or before August 31, 2017, including written notice if the defendant intends to rely on the defense of insanity at the time of the alleged crime or intends to introduce expert testimony relating to a mental disease, defect, or other condition bearing upon the issue of whether he had the mental state required for the offense charged. The Government requests a response to our Rule 12.2 and 12.3 demands within the time period allowed by the Court for the filing of pre-trial motions. Please contact me, or my colleague Ethan Eddy, if you have any questions about the enclosed discovery.

Very truly yours,

WILLIAM E. FITZPATRICK
Acting United States Attorney

By:


KATHLEEN P. O'LEARY
Assistant U.S. Attorney

Encl.